IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

FRIDAY, THE 23RD MARCH 2007 / 2ND CHAITHRA 1929

WP(C).No. 27782 of 2006(G)

PETITIONER:

IDEA MOBILE COMMUNICATIONS LTD.,
MERCY ESTATE, M.G.ROAD,
RAVIPURAM, KOCHI, REP. BY ITS AUTHORISED SIGNATORY
MR.C.RAMACHANDRAN.

BY ADV. SRI.P.SANJAY
SRI.A.PARVATHI MENON

RESPONDENTS:

1.THE OMBUDSMAN FOR LOCAL SELF
GOVERNMENT INSTITUTIONS,
THIRUVANANTHAPURAM.

2.STATE OF KERALA,
REP. BY SECRETARY TO LOCAL SELF GOVERNMENT
INSTITUTIONS, SECRETARIAT,
THIRUVANANTHAPURAM.

3.SECRETARY TO GOVERNMENT,
URBAN AFFAIRS, GOVT. SECRETARIAT,
THIRUVANANTHAPURAM.

4.THE DIRECTOR OF URBAN AFFAIRS,
THIRUVNANTHAPURAM.

5.THE DIRECTOR OF MUNICIPALITIES,
THIRUVANANTHAPURAM.

6.THE DIRECTOR OF PANCHAYATHS,
THIRUVANANTHAPURAM.

7. KALAMASSERY MUNICIPALITY,
KALAMASSERY, ERNAKULAM,
REP. BY ITS SECRETARY.

8.PARUR MUNICIPALITY, PARUR,
ERNAKULAM, REP. BY ITS SECRETARY.

9.ALAPPUZHA MUNICIPALITY,
ALAPPUZHA, REP. BY ITS SECRETARY.

10.MAVELIKKARA MUNICIPALITY,
MAVELIKKARA, REP. BY ITS SECRETARY.

11. KOTTAKKAL GRAMA PANCHAYATH,
KOTTAKKAL, MALAPPURAM,
REP. BY ITS SECRETARY.

12.MOONNIYUR GRAMA PANCHAYATH,
P.O.VELIMUKKU SOUTH, MALAPPURAM,
REP. BY ITS SECRETARY.

13.ERUVESSI GRAMA PANCHAYATH,
CHEMBERY P.O., KANNUR, REP. BY ITS SECRETARY.

*ADDL.R14.PALLIKKAL GRAMA PANCHAYAT, PALLIKKAL P.O., KONDOTTY,
MALAPPURAM REPRESENTED BY ITS SECRETARY.

**ADDL.R15.KUMALI GRAMA PNAHCYAT, KUMALI IDUKKI DISTRICT,
REPRESENTED BY ITS SECRETARY.

R16.UDUMBANCHOLA GRAMA PANCHAYAT, UDUMBANCHOLA,
IDUKKI DISTRICT REPRESENTED BY ITS SECRETARY.

*****ADDITIONAL R17 TO R37 IMPLEADED**

17.EDAMULACKAL GRAMA PNACHAYAT, EDAMULACKAL P.O.,
KOLLAM, REPRESENTED BY ITS SECRETARY.

18.NEDUMKUNNAM GRAMA PANCHAYAT, NEDUMKUNNAM P.O.,
KOTTAYAM, REPRESENTED BY ITS SECRETARY.

19.POOYAPPALLY GRAMA PANCHAYAT, POOYAPPALLY P.O., KOLLAM,
REPRESENTED BY ITS SECRETARY.

20.CHEMPU GRAMA PANCHAYAT, BRAHMAMANGALAM P.O., VAIKOM,
KOTTAYAM, REPRESENTED BY ITS SECRETARY.

21.PORATHISSERY GRAMA PANCHAYAT, KARUVANNUR P.O., THRISSUR,
REPRESENTED BY ITS SECRETARY.

22.GURUVAYOOR MUNICIPALITY, GURUVAYOOR P.O., THRISSUR,
REPRESENTED BY ITS SECRETARY.

23.THENNALA GRAMA PANCHAYAT, VALAKOLAM P.O., MALAPPURAM,
REPRESENTED BY ITS SECRETARY.

24.KEEZHUR-PUNNASSERY GRAMA PANCHAYAT, PUNNAD P.O., KANNUR REPRESENTED BY ITS SECRETARY.

25.PANNIYANNUR GRAMA PANCHAYAT, PANNIYANNUR P.O., KANNUR, REPRESENTED BY ITS SECRETARY.

26.CHUNGATHARA GRAMA PANCHAYAT, CHUNGATHARA P.O., MALAPPURAM, REPRESENTED BY ITS SECRETARY.

27.KOODALI GRAMA PANCHAYAT, KOLOLAM, EDAYANNUR P.O., KANNUR, REPRESENTED BY ITS SECRETARY.

28.ERAMAMKUTTUR GRAMA PANCHAYAT, ERAMAMKUTTUR P.O., KANNUR, REPRESENTED BY ITS SECRETARY.

29.KASARAGOD MUNICIPALITY REPRESENTED BY ITS SECRETARY.

30.KODIKULAM GRAMA PANCHAYAT, KODIKULAM P.O., IDUKKI.

31.KADUTHURUTHY GRAMA PANCHAYAT, KADUTHURUTHY P.O., KOTTAYAM.

32.NEDUMKANDAM PANCHAYAT, IDUKKI REPRESENTED BY ITS SECRETARY.

33.CHERTHALA MUNICIPALITY, CHERTHALA, ALAPPUZHA REPRESENTED BY ITS SECRETARY.

34.SULTHAN BATHERI GRAMA PANCHAYAT, SULTHAN BATHERI P.O., WAYANAD.

35.THRIPRANGOTTOOR GRAMA PANCHAYAT, KALLIKANDY P.O., KANNUR.

36.CHERUVATHOOR GRAMA PANCHAYAT, CHERUVATHOOR P.O., KASARAGOD.

37.PULIKKAL GRAMA PANCHAYAT, PULIKKAL P.O., MALAPPURAM.

*ADDL.R14 IS IMPLEADED AS PER THE ORDER DATED 13.11.2006 IN I.A.NO.15613/06.

**ADDL.R15 AND 16 ARE IMPLEADED AS PER THE ORDER DATED 23.3.2007 IN I.A.NO.15899 OF 2006.

***ADDL.R17 TO R37 ARE IMPLEADED AS PER THE ORDER DATED 21.12.06 IN I.A.NO.17113 OF 2006.

R10 BY ADV.SRI.R.RENJITH
R8 BY ADV.SRI.T.A.SHAJI
SMT.T.V.NEEMA
R9 BY ADV.MR.M.K.CHANDRAMOHAN DAS
R2 TO R6 BY GOVT. PLEADER SMT.T.B.RAMANI

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 23/03/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

PIUS C. KURIAKOSE,J.

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W.P.(C)No.27782 of 2006

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Dated: 23rd March, 2007

JUDGMENT

Ext.P1 order passed by the Ombudsman and Ext.P2 consequential order passed by the 2nd respondent is under challenge. Under Ext.P1 the Ombudsman directs the Local Authorities and for that matter all the Local Authorities to insist on the mobile telephone companies who are desirous of installing mobile towers producing no objection certificates from the Atomic Energy Commission. The issue according to me is covered by the Division Bench judgment of this court in **Reliance Infocom Ltd. v. Chemanchery Grama Panchayat** (2006(4) KLT 695). I had occasion to consider the affidavit submitted on behalf of the Atomic Energy Regulatory Board as well as copy of a report which was submitted by the W.H.O. before the Bombay High Court. In fact the affidavit and the report were considered by the Division Bench in the aforesaid decision. This court has already quashed Ext.P1 order passed by the Ombudsman in other several Writ Petitions. Under these circumstances, I do not find any reason as to why reliefs sought for by the petitioner should not be granted. Accordingly, Exts.P1 and P2 are quashed and respondents 7 to 13 will consider the licence applications submitted by the petitioner to them without being influenced in any manner by Ext.P1 order

issued by the Ombudsman. In other words, if the petitioner is having all permits and certificates which are required as per the relevant statutes, licence will be granted. Orders will be passed on the applications submitted by the petitioner before the various Local Authorities taking into account the judgment of the Division Bench of this court in Reliance **Infocom Ltd. v. Chemanchery Grama Panchayat** (supra) and the quashment of Ext.P1 in this case.

The Writ Petition will stand disposed of as above.

srd **PIUS C.KURIAKOSE, JUDGE**